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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,956	06/07/2001	Maria Azua Himmel	AUS9-2001-0457-US1	8312

7590

05/03/2004

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EXAMINER

ROSWELL, MICHAEL

ART UNIT

PAPER NUMBER

2173

8

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/875,956	<b>Applicant(s)</b> HIMMEL ET AL.	
	<b>Examiner</b> Michael Roswell	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,7-15,18-26 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-15,18-26 and 29-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 20 and 31 are objected to because of the following informalities: Both are dependent upon rejected base claims. The Examiner further interprets claim 20 as being dependent upon claim 19, and claim 31 as being dependent upon claim 30. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

Claims 1-4, 10-15, 21-26, and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cina and Gould.

Regarding claims 1, 12, and 23, Cina teaches displaying in a window a first portion of information (taught as information within a structured text file, at col. 4, lines 46-50), wherein the window includes a scroll bar for controlling scrolling of the window through the information (taught as the vertical and horizontal sliders of col. 4, lines 39-43) and the information includes a succession of objects, so that at least one of the objects is a displayed object having at least a portion thereof displayed in the window, and displaying indicators representing respective ones of objects, including ones of the objects that are outside the first portion of the information that is displayed in the window (taught as symbols within the sliders representing major divisions and subdivisions within the text document, at col. 4, lines 50-54). Furthermore, Cina teaches displaying indicators in an area of the window, including an area within the scroll bar (taught above), and displaying of an indicator includes displaying an attribute of the indicator, the

attribute representing a type of the respective object represented by the indicator (taught as the representation of chapter divisions in the scroll bar, in Fig. 5 and col. 4, lines 60-66). Cina also teaches representing relative positions of objects within the information through positions of the indicators (taught as the spacing between chapter headings in the scroll bar indicating relative chapter size, at cols. 4-5, lines 66-67 and 1), and slider within the scroll bar, displayed on screen (taught as the horizontal and vertical sliders of Fig. 3 and col. 4, lines 39-43). As to claims 12 and 23, Cina teaches a processor, display device connected to the processor, and a storage device connected to the processor for storing a program for controlling the processor, the processor being operative with the program to display in a window a first portion of information, taught as the data processing system of Fig. 6 suitable for practicing the invention. It is inherent in the art that such a method would be implemented through the instructions of a computer program.

Cina fails to explicitly teach displaying an indicator representing an object in appearance for the slider, the indicator being displayed within the slider, where a position of the indicator within the slider indicates a position of the object within the window when the displayed object is displayed within the window. Cina also fails to explicitly teach the displayed appearance of the entire slider corresponding to the attribute of the indicator for the object when the displayed object is larger than the window, so that only a portion of is displayed within the window.

Gould teaches a scroll bar/window combination that provides a way to see data in relation to both the context of the data and its contents, similar to the scroll bar indicators of Cina. Gould further teaches displaying an indicator representing an object in appearance for the slider, the indicator being displayed within the slider, where a position of the indicator within the slider indicates a position of the object within the window when the displayed object is displayed within the window, taught as the use of high and low density appearances to indicate

non-marked and marked segments, that can plainly be seen within the slider, at Fig. 7 and col. 5, lines 14-20. Furthermore, Gould teaches the displayed appearance of the entire slider corresponding to the attribute of the indicator for the object when the displayed object is larger than the window, so that only a portion of is displayed within the window, taught as the "thumb" (analogous to applicant's slider) of the scroll bar composed entirely of the visual representation of marked information extending beyond the viewing area of the window. In this case, the thumb represents the temporal position of an audio-video file, at Fig. 12, col. 6, lines 36-39 and col. 7, lines 1-9.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Cina and Gould before him at the time the invention was made to modify the scroll bar indicators of Cina to include the transparent slider of Gould to obtain a method for providing context and content information in a scroll bar wherein information may also be viewed within the slider.

One would be motivated to make such a combination in order to allow the user to quickly locate desired information and better navigate through documents. See Gould, cols. 1-2, lines 63-67 and 1-3.

Regarding claims 2, 13, and 24, Cina teaches the display of a color as an indicator attribute, taught as a form of location information provided within a scroll bar, at col. 2, lines 58-62.

Regarding claims 3, 14, and 25, Cina teaches a method for context indication where an object type is text, table, audio, audio-video or image type, taught as the structured text file type of col. 4, lines 54-56.

Regarding claims 4, 15, and 26, Cina discloses a method for context indication where an object type is a sentence, paragraph, section, division, chapter, page, hypertext link, row, column, cell, image, pause in sound, verse, stanza, refrain, interlude, movement, chorus, act, scene, commercial, quarter, half, highlight, play, time-out or bookmark type, taught as the presentation of major divisions and subdivisions of a structured text file, and document chapter headings, at col. 4, lines 50-62.

Regarding claims 10, 21, and 32, Gould teaches a method of positioning the slider in the scroll bar in response to a user clicking on an indicator in the scroll bar, taught as moving the thumb to a clicked location in the scroll bar and updating the screen display accordingly, at col. 9, lines 59-65.

Regarding claims 11, 22, and 33, Gould teaches the display of indicators in a window based on user preference selection, taught as the ability of a user to "mark" selected segments of a document or video and display the marks in the window, scroll bar or both, at col. 7, lines 4-9.

Regarding claims 34-36, Cina teaches displaying the attribute of an indicator as a symbol, taught as a form of location information provided within a scroll bar, at col. 2, lines 58-62.

Claims 7, 18, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cina, Gould, and Perry.

Cina has been shown *supra* to teach a method for context indication where positions of indicators represent relative positions of the objects within the information. Gould has been shown to teach the use of an indicator inside the slider of a scroll bar.

However, Cina and Gould do not explicitly teach the display of an enlarged view of the slider responsive to a user command.

Perry teaches a method for incorporating a zoom function into scroll bar sliders, such as those used by Cina and Gould. Perry does teach the display of an enlarged view of the slider responsive to a user command, taught as the enlargement of a slider in response to a user dragging the slider's edge, at col. 4, lines 55-58.

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Cina, Gould, and Perry to obtain a method for context indication where indicators are displayed inside of the slider of a scroll bar and an enlarged view of the slider is displayed responsive to a user command.

One would be motivated to make such a combination for the advantage of changing the scale of a viewed document within a window without changing the size of the window, allowing for more marked objects to fit within the display and for more indicators to be shown in the slider. See Perry, cols. 1-2, lines 65-67, 1-14.

Claims 8, 9, 19, 20, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cina, Gould, and Hoek et al, (U.S. Patent 6,583,798), hereinafter Hoek.

Regarding claims 8, 19, and 30, Cina, has been shown *supra* to teach a method for context indication where positions of indicators represent relative positions of the objects within the information.

Cina does not teach the display of an enlarged view of an object responsive to a pointer being placed in the scroll bar over an indicator for the object.

Hoek teaches the display of an enlarged view of an object responsive to a pointer being placed in the scroll bar over an indicator for the object, where the user interacts with the indicator by placing a pointer over the indicator (col. 12, lines 14-17) and leads to the display of an enlarged view of the object (col. 11, lines 48-52).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Cina, Gould, and Hoek before him at the time of the invention to modify the method for context indication by graphical indicators of Cina and Gould to include the object enlargement method in response to a user interaction of Hoek to obtain a method for displaying marked information which can be easily enlarged by the user.

One would be motivated to make such a combination for the advantage of quickly changing attributes of a selected object. See Hoek, col. 2, lines 7-11.

Regarding claims 9, 20, and 31, Hoek teaches the inclusion of a control panel for controlling the object, taught as the use of a context menu for controlling features associated with the object, at col. 2, lines 45-55.

### ***Response to Arguments***

Applicant's arguments, see paper no. 4, filed 11 March 2004, with respect to the rejection(s) of claim(s) 7-11, 17, 21, 22, 28, 32 and 33 under Cina, Jr. et al (U.S. Patent 5,510,808), hereinafter Cina, and Bates et al (U.S. Patent 5,532,715), hereinafter Bates, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Cina and



Gould (U.S. Patent 5,623,588). Applicant's arguments with respect to claims 7-11, 17, 21, 22, 28, 32 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 11 March 2004 have been fully considered but they are not persuasive. Applicant states that Perry (U.S. Patent 5,553,225), used in reference to claims 7, 18, and 29, fails to teach displaying inside a scroll bar or slider an indicator for an object that is displayed in a window. As noted in the rejection above, Perry is not relied upon to teach either limitation. Furthermore, applicant states that Perry does not teach displaying an enlarged view of a slider responsive to a user command, wherein the enlarged view shows information for the object, and asserts that enlarging the size of a slider does not suggest an enlarged view of the slider. Enlarging the size of a slider presents a larger visual area of an object to a user, and hence enlarges the view of a slider. See Perry, col. 4, lines 55-58.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
20 April 2004



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